

# Notice of Allowability

Application No.

09/943,781

Examiner

Frank Duong

Applicant(s)

PINES ET AL.

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/30/01.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 30 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 06/25/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**FRANK DUONG**  
**PRIMARY EXAMINER**

### **DETAILED ACTION**

1. This Office Action is a response to communications dated 08/30/01. Claims 1-27 are pending in the application.

### ***Priority***

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### ***Information Disclosure Statement***

3. The information disclosure statement filed 06/25/04 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been considered and placed in the application file.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Abstract, on page 26, lines 5-6, please kindly join the sentences by deleting the spaces to make the Abstract a single paragraph.

***Allowable Subject Matter***

5. Claims 1-27 are allowed.
6. The following is an examiner's statement of reasons for allowance:

The prior art of record, considered individually or in combination, fails to fairly show or suggest a claimed method/system/program for measuring long-term arrival rates of data samples on an asynchronous transport network, comprising element/step/code for "*calculating a long-term average arrival rate of said data samples by dividing said known and predetermined number of data samples by said measured time interval of said session*", structurally and functionally interconnected with other limitations in a manner as recited in claims 1-3, 10-12 and 19-21.

The prior art of record, considered individually or in combination, fails to fairly show or suggest a claimed method/system/program comprising element/step/code for synchronizing clocks on an asynchronous transport network, comprising element/step/code for "*calculating a long-term average arrival rate of said data samples by dividing said known and predetermined number of data samples by said measured time interval of said session*", structurally and functionally interconnected with other limitations in a manner as recited in claims 4-9, 13-18 and 22-27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cloutier (USP 5,790,543) discloses a system and method for correcting jitter in data packets comprising, among other things, a detection processor 28 receives two differential time values (expected and actual interarrival time values) and calculates the jitter based on the difference between the expected and the actual interarrival time values. The Cloutier reference also discloses a data packet stream correction circuit 42 using either data packet buffer and timing restamping to eliminate the jitter from the data packets.

Bernstein (USP 5,912,880) discloses a system and method for time recovery at a receiver in an ATM network, in which an average cell interarrival time is used to adjust an internal time of the receiver.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Frank Duong', with a stylized flourish at the end.

Frank Duong  
Primary Examiner  
Art Unit 2666

April 3, 2005